

KAUAI PLANNING COMMISSION  
REGULAR MEETING

**Tuesday, August 11, 2015**

**9:00 a.m. or Soon Thereafter**  
**Līhu'e Civic Center, Moikeha Building**  
**Meeting Room 2A-2B**  
**4444 Rice Street, Lihue, Kauai, Hawai'i**

**AGENDA**

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
  - 1. **Continued Agency Hearing** (NONE)
  - 2. **New Agency Hearing**
    - a. Class IV Zoning Permit Z-IV-2015-37, Use Permit U-2015-36 and Special Permit SP-2015-14 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Menehune Road in Waimea Valley, further identified as 5390 Menehune Road and Tax Map Key 1-5-002:047, and containing a total area of 37,407 sq. ft. = ***Giuseppi Gereke-King***. [Director's Report received 7/28/15.]

**F. HEARINGS AND PUBLIC COMMENT (Cont'd)**

**2. New Agency Hearing (Cont'd)**

- b. Class IV Zoning Permit Z-IV-2015-39, Use Permit U-2015-38 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Nohea Street within the Kakela Makai Subdivision in Kalaheo, situated approx. 450 ft. west of its intersection with Kakela Makai Drive and further identified as 1196 Nohea Street, Tax Map Key 2-3-023:119, and containing a total area of 10,017 sq. ft. = **David & Melinda Murray**. [Director's Report received 7/28/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

- c. Class IV Zoning Permit Z-IV-2015-40 and Use Permit U-2015-39 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Papalina Road within the Kai Ikena Subdivision in Kalaheo, situated approx. 900 ft. north of the Kai Ikena Street/Papalina Road intersection and further identified as 4330 Kai Ikena Street, Tax Map Key 2-3-020:092 and containing a total area of 8,011 sq. ft.= **Margarette Johannes**. **APPLICATION WITHDRAWN BY APPLICANT.**

- d. Special Management Area Use Permit SMA(U)-2015-9 to construct an additional dwelling unit (ADU) on a parcel located along the mauka side of Kuhio Highway in Wainiha, situated approx. 300 ft. mauka of the Ananalua Road/Kuhio Highway intersection, further identified as 4541 Ananalua Road, Tax Map Key 5-8-006:065, and containing a total land area of 1.156 acres = **Chuck Linebaugh**. **POSTPONED.**

**3. Continued Public Hearing (NONE)**

**4. New Public Hearing (NONE)**

**G. CONSENT CALENDAR**

**1. Status Reports**

- a. 2015 Annual Status Report (7/10/15) from Milton Arakawa, Wilson Okamoto Corporation, for Special Management Area Use Permit SMA(U)-2005-8, Project Development Use Permit PDU-2005-26, U-2005-25 and Class IV Zoning Z-IV-2005-30, Tax Map Keys 3-5-001:027 (Por.), 168, 169, 171 (Por.), 175 and 176, Lihue, Kauai = **Kauai Lagoons LLC & MORI Golf (Kauai) LLC**.

1. Director's Report pertaining to this matter.

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 8/25/15.**

- a. Class IV Zoning Permit Z-IV-2015-41, Use Permit U-2015-40 and Variance Permit V-2015-6 to allow installation and height variance for a 53 feet high stealth telecommunications structure and associated equipment on a parcel located in Lihue, situated at the Tip Top Motel/Café and Bakery site, further identified as 3173 Akahi Street, Tax Map Key 3-6-006:073, and affecting a parcel approx. 45,000 sq. ft. in size = **Verizon Wireless**.

1. Director's Report pertaining to this matter.

**G. CONSENT CALENDAR (Cont'd)**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 8/25/15.**  
**(Cont'd)**

- b. Special Management Area Use Permit SMA(U)-2015-10, Class IV Zoning Permit Z-IV-2015-42, Use Permit U-2015-41 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the makai side of Aliomanu Road in Anahola, situated approx.  $\frac{3}{4}$  mile makai of its intersection with Kuhio Highway, further identified as 4760 Aliomanu Road, Tax Map Key 4-8-013:007, and containing a total area of 11,481 sq. ft. = ***Karen Hillstrom.***

1. Director's Report pertaining to this matter.

- c. Class IV Zoning Permit Z-IV-2015-43, Use Permit U-2015-42 and Special Permit SP-2015-15 to allow conversion of an existing guest house into a bed and breakfast operation on a parcel located along the mauka side of Kamalu Road within the Sleeping Giant Half Acres Subdivision in Wailua Homesteads, situated at the terminus of Uilani Place, further identified as 5900 Uilani Place, Tax Map Key 4-4-005:069, and containing a total area of 20,370 sq. ft. = ***Steven R. Bauman/Tracy L. Bauman Trusts.***

1. Director's Report pertaining to this matter.

- d. Class IV Zoning Permit Z-IV-2015-44 and Use Permit U-2015-43 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the makai side of Kolo Road in Kilauea, situated approx. 500 ft. north of the Kolo Road/Hookui Road intersection, further identified as 4380 Hookui Road, Tax Map Key 5-2-011:030, and containing a total area of 0.35 acres = ***Beryl Franklin McClerren, Jr./John Joseph Hunt, Jr.***

1. Withdrawal of Application by Applicant (8/5/15).

- e. Class IV Zoning Permit Z-IV-2015-45 and Use Permit U-2015-44 to allow construction of a new administration building on a parcel located along the mauka side of Ahukini Road in Lihue, situated at the Lihue Heliport facility and approx.  $\frac{1}{4}$  mile east of the Kapule Highway/Ahukini Road intersection, further identified as Tax Map Key 3-5-001:148, and affecting a portion of a larger parcel containing 3.67 acres = ***Island Helicopters Kauai, Inc.***

1. Director's Report pertaining to this matter.

- f. Class IV Zoning Permit Z-IV-2015-46, Use Permit U-2015-45 and Special Permit SP-2015-16 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Omao Road within the Puu Pinao Subdivision in Omao, situated approx. 150 ft. mauka of the Upa Road/Omao Road intersection, further identified as 4175 Omao Road, Tax Map Key 2-7-008:043, and containing a total area of 15,906 sq. ft. = ***Sharon R. Boulay Trust.***

1. Director's Report pertaining to this matter.

**H. EXECUTIVE SESSION (NONE)**

**I. GENERAL BUSINESS MATTERS**

1. Request that the Commission act to reconsider Condition No. 12 as set forth in letter dated July 29, 2015 from Lorna Nishimitsu, Esq., for Class IV Zoning Permit Z-IV-2015-13, Use Permit U-2015-12, Special Permit SP-2015-3, Tax Map Key (4) 1-2-002: 008 = *Shredco, LLC*. [Approved as amended 7/28/15.]
2. Moa Lemu, LLC's Petition for Intervention by Daniel G. Hempey and Gregory H. Meyers, Attorneys for Moa Lemu, LLC, relating to *Dolphin House Estates, LLC's* Petition for a Declaratory Order Concerning the Operation of a Transient Vacation Rental Without a Non-Conforming Use Certificate.
3. Time Extension request regarding Class IV Zoning Permit Z-IV-2011-12, Use Permit U-2011-12 and Special Permit SP-2011-7 for operation of commercial tours and gift shop at the botanical gardens, Tax Map Key 5-3-008:012, Princeville, Kauai = *William E. Robertson & Lucinda McDonald Trust*.
  - a. Director's Report pertaining to this matter.
4. Request for Extension of Time on Conditions 16 and 17 of the Planning Commission's conditions of approval dated march 10, 2015 related to Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit PDU-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6, Tax Map Keys 4-1-003:004 (por.), 005, 007, 011, and 017 and 4-1-005:014 and 017, *Coco Palms Hui, LLC*, by Ron Agor, Architect (7/7/15).
  - a. Memorandum (8/3/15) from Michael Dahilig, Director of Planning to Planning Commission Chair Angela Anderson and Honorable Commissioners.
5. Amendment to Class IV Zoning Permit Z-IV-2001-16, Use Permit U-2001-12 and Special Permit SP-2001-7 involving modifications to a cellular telecommunications facility, Tax Map Key 5-2-004:049, Kilauea, Kauai = *Verizon Wireless*.
  - a. Director's Report pertaining to this matter.

**J. COMMUNICATION (For Action) (NONE)**

**K. COMMITTEE REPORTS (NONE)**

**L. UNFINISHED BUSINESS (For Action)**

**M. NEW BUSINESS**

1. For Action – See Agenda F for Project Descriptions

**N. ANNOUNCEMENTS**

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, August 25, 2015.**

**O. ADJOURNMENT**

**EXECUTIVE SESSION:** The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

**NOTE:** Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

**SHORELINE SETBACK DETERMINATIONS**

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Reasons</b>
SSD-2016-14	Joan Frank	5-4-012:011	Princeville	Repair leaking atrium roof
SSD-2016-15	DOT/Excelis	1-8-008:004	Hanapepe	Installation of radio antenna, concrete pad and chain link fence

**SHORELINE SETBACK DETERMINATIONS NOT APPLICABLE**

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Reasons</b>
	Kyle Hamada	3-2-006:002	Lihue	N/A